

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
CATHERINE C. BLAKE
UNITED STATES DISTRICT JUDGE

U.S. COURTHOUSE
101 WEST LOMBARD STREET
BALTIMORE, MARYLAND 21201
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September 6, 2022

MEMORANDUM TO COUNSEL

Re: *United States of America v. Booz Allen Hamilton Inc. et al.*
Civil No. CCB-22-1603

Dear Counsel:

Thank you for your joint letter regarding the procedure for designating deposition testimony. My agreement with or revisions to your respective proposals are set forth below.

1. Parties will exchange deposition designations on or before September 7, 2022;¹ objections and counter-designations will be served on or before September 9, 2022. The Court will discuss objections at the September 13, 2022, pre-trial conference.
2. Each side will be entitled to designate or counter-designate a total of three hours of deposition testimony. If submitted in written form, these designations will not count towards the time limits at the hearing. If presented by video at the hearing, these designations will count toward the time limits. Per the CMO, these designations also will not count against the limits on the number of persons who may be identified on the parties' witness lists.
3. Any party can designate the deposition testimony of a third party that was deposed pursuant to the Court's CMO. To the extent applicable, Rule 32(a)(4)'s limitations on unavailability will not be enforced.
4. Any party can designate the deposition testimony of an opposing party's witness. In the absence of a specific objection, to be resolved by the court, Rule 32(a)(3)'s requirement that a witness be the party's officer, director, or managing agent will not be enforced. For the avoidance of doubt, employees of the NSA and DOD are construed as party witnesses, not third parties, for the purposes of this procedure.
5. Defendants will not designate the deposition testimony of an employee of EverWatch or Booz Allen, but may counter-designate under 32(a)(6). Plaintiff will not designate the deposition testimony of an employee of DOD, NSA, or any other federal government agency, but may counter-designate under 32(a)(6).
6. The parties will provide the designated testimony to the Court on September 12 by written transcript. Designations, counter-designations, and objections should be clearly identified by color-coded transcripts and in an appropriate chart.

¹ The Parties may supplement their designations related to depositions that occur on or after September 6, 2022.

For clarity, I am allowing three additional hours' worth of deposition testimony per side, if submitted in written transcript form. Video deposition designations may be played at the hearing, but will count toward the time limits.

Please let me know if you have additional questions or concerns. Despite the informal nature of this ruling, it shall constitute an Order of Court, and the Clerk is directed to docket it accordingly.

Sincerely yours,

/s/

Catherine C. Blake

United States District Judge